

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DIVISION OF ILLINOIS**

MORGAN, LEWIS & BOCKIUS LLP,)	
)	
Plaintiff,)	
)	No. 1:08-cv-2748
v.)	
)	Judge: Rebecca R. Pallmeyer
CITY OF EAST CHICAGO,)	
)	
Defendant.)	Magistrate Judge: Sidney I. Schenkier

**MOTION OF THE DEFENDANT, CITY OF EAST CHICAGO,
FOR AN EXTENSION OF TIME TO FILE ITS RESPONSIVE PLEADING**

The Defendant, City of East Chicago, ("East Chicago"), by its attorneys, Eichhorn & Eichhorn, LLP, requests that the Court enter an order which grants it a thirty (30) day extension of time, to on or before June 16, 2008, to file its responsive pleading as to the Plaintiff's Complaint in this matter. [DE 1, Exhibit A] In support of its motion, East Chicago states as follows:

1. The Plaintiff apparently filed its Complaint in the Circuit Court of Cook County, State of Illinois on April 11, 2008. (See Exhibits A and B attached to East Chicago's Notice Of Removal, [DE 1, Exs. A and B, generally].) East Chicago thereafter filed its Notice Of Removal on May 12, 2008. [DE 1, generally]

2. East Chicago requires an extension of time to respond to the Plaintiff's Complaint for several reasons. First, the primary person of contact between East Chicago and its undersigned attorneys, Ms. Carmen Fernandez of East Chicago's municipal legal department, recently underwent surgery of a serious nature and has been hospitalized for some time for recuperation. She just was discharged home from the hospital and has been unable to assist in East Chicago's defense. Second, she also will remain off work and unavailable for at least another week. Third, the Plaintiff's

Complaint is lengthy and detailed, and requires extensive investigation from Ms. Fernandez and others in order for a response to be made.

3. The Plaintiff's Complaint also was filed only thirty-five (35) days ago, on Friday, April 11, 2008, with several days intervening days immediately thereafter for the weekend and the issuance of summons apparently through Cook County, Illinois and Lake County, Indiana Sheriff's departments. East Chicago has moved quickly to retain counsel to defend itself in this matter outside of the State of Indiana, selecting the undersigned, and has done what it could to provide information to its counsel despite Ms. Fernandez' incapacity.

4. One of East Chicago's attorneys, Mr. Robert J. Feldt, spoke to one of the Plaintiff's attorneys, Mr. Seth Horvath, on May 15, 2008, and to Mr. Horvath, Mr. Thomas Hecht and Ms. Tina Solis on May 16, 2008. Mr. Hecht indicated on May 16, 2008 that the Plaintiff does not oppose the relief requested in this motion.

5. East Chicago has not requested an extensions of time to file its responsive pleading prior to filing this motion. Permitting East Chicago this extension of time under these circumstances will not result in any unfair prejudice to the Plaintiff.

WHEREFORE, the Defendant, City of East Chicago, requests that the Court enter an order which grants it a thirty (30) day extension of time in this matter, to on or before June 16, 2008, to file its responsive pleading as to the Plaintiff's Complaint.

Respectfully submitted,

EICHHORN & EICHHORN, LLP

By: s/Robert J. Feldt
One of the attorneys for the Defendant,
City of East Chicago

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CERTIFICATE OF SERVICE

I, Robert J. Feldt, hereby certify that on the 16th day of May, 2008, I electronically filed the foregoing with the Clerk of the Court using the CM/ECF system which sent notification of such filing to the following:

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s/Robert J. Feldt
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